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11 Attorneys for PHH MORTGAGE CORPORATION, successor to OCWEN LOAN SERVICING,  
12 LLC

13 **UNITED STATES BANKRUPTCY COURT**

14 **DISTRICT OF NEVADA**

15 Case No. 09-29123-MKN

16 In Re:

17 Chapter 11

18 MELANI SCHULTE and  
19 WILLIAM R. SCHULTE,  
20  
21 2704 SATTLEY LLC,  
22 HOT ENDEAVOR LLC,  
23 1341 MINUET LLC  
24 1708 PLATO PICO LLC,  
25 2228 WARM WALNUT LLC,  
26 9425 VALLEY HILLS LLC,  
27 9500 ASPEN GLOW LLC,  
28 5218 MISTY MORNING LLC,  
29 CHERISH LLC,  
30 SABRECO INC.,  
31 KEEP SAFE LLC,

32 Debtors.

Jointly Administered with:

09-31585-MKN  
09-27238-MKN  
09-27909-MKN  
09-27910-MKN  
09-27911-MKN  
09-27912-MKN  
09-27913-MKN  
09-27914-MKN  
09-27916-MKN  
09-28513-MKN  
09-31584-MKN

**AMENDED DECLARATION OF JEFFREY  
S. ALLISON IN SUPPORT OF  
OPPOSITION OF PHH TO DEBTORS'  
MOTION FOR CONTEMPT FOR  
VIOLATION OF THE AUTOMATIC STAY  
AND DISCHARGE INJUNCTION,  
FAILING TO COMPLY WITH A COURT  
ORDER AND THE CONFIRMED PLAN  
AND FOR DAMAGES AGAINST  
CREDITORS [DOC 1334]**

Date: June 9, 2021 (status hearing)

Time: 9:30 a.m.

Judge: HON MIKE K. NAKAGAWA

**DECLARATION OF JEFFREY ALLISON, ESQ.**

I, Jeffrey S. Allison, declare as follows:

1. I am an attorney at law duly licensed to practice before the above-entitled court, and am an attorney with the law firm of Houser LLP as counsel for PHH MORTGAGE CORPORATION, successor OCWEN LOAN SERVICING, LLC ("PHH"). I have personal knowledge of the facts set forth herein, except as to those on information and belief, and if called as a witness I could competently testify thereto.

2. I am advised and a review of the certificate of service corroborates that Debtor's Motion was not served upon PHH. A copy had been recently forwarded to PHH last week by another counsel as a courtesy. After review, PHH indicated our firm is being retained concerning the Debtor's Motion on Monday, May 24, 2021 and I received the official referral the next day. Attached as **Exhibit "1"** is a true and correct copy of an e-mail I immediately sent to the Debtor's counsel of record on the same day regarding my retention and requesting an extended date for my client's response to the Motion. I also placed a telephone call to counsel the same day and left a similar message. Having not heard back from counsel, attached as **Exhibit "2"** is a true and correct copy of the Notice of Appearance and Request for Continuance I had filed later that day, on May 24<sup>th</sup>. [Doc 1347].

3. Ocwen Loan Servicing, LLC merged and has not existed as an entity since effective approximately June 1, 2019, nearly two years ago. Indeed, a two minute business search on the website for the Nevada Secretary of State would reveal the entity status for Ocwen Loan Servicing, LLC is cancelled. Although PHH is the successor, it was and remains a separate entity with a different loan servicing system. The loan that is the subject of the Motion was not serviced by and is not included in PHH's servicing system.

4. I attended the initial hearing before this Honorable Court two days later, on May 26, 2021. I relayed the information set forth herein and requested additional time to file my client's response to Debtor's Motion before the next hearing. The Court set a status hearing for June 9, 2021. In that there may have still been some uncertainty in light of counsel's comments at the hearing, we filed my client's Opposition to the Motion the morning after hearing, on May 27, 2021. It is respectfully requested the Opposition be accepted as timely under these circumstances.

I declare under penalty of perjury under the laws of United States of America that the foregoing is true and correct and that this declaration was executed this 27<sup>th</sup> day of May, 2021.

/s/ Jeffrey S. Allison

# EXHIBIT 1

**Jeffrey S. Allison**

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**From:** Jeffrey S. Allison  
**Sent:** Monday, May 24, 2021 10:35 AM  
**To:** 'atty@cburke.lvcoxmail.com'  
**Subject:** In Re: Melanie & William Schulte - Motion for Contempt Sanctions (ECF 1334) - Greetings re Retention & Request for Continuance

**Importance:** High

Mr. Burke,

We have just been retained this morning regarding the Schulte's Motion for Contempt (Doc 1334) by PHH Mortgage Corporation, successor to Ocwen Loan Servicing, LLC which no longer exists. The mailed 112-page Motion was also forwarded a few moments ago which I have not had an opportunity to read, but I see there is a hearing coming up in two days on May 26<sup>th</sup>. I also have three other hearings that morning.

Would you agree to a continuance of the motion hearing and opposition date to afford my client PHH/Ocwen an opportunity to respond?

Thanks,

Jeffrey S. Allison

Senior Attorney

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Offices in Arizona, California, Connecticut, Massachusetts,

Minnesota, Nevada, New Jersey, New Mexico, New York, Oregon & Washington

Admitted to Practice in California & Nevada.

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## EXHIBIT 2

Jeffrey S. Allison (NV Bar # 8949)  
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jallison@houser-law.com

Attorneys for PHH MORTGAGE CORPORATION, successor to OCWEN LOAN SERVICING, LLC

**UNITED STATES BANKRUPTCY COURT**  
**DISTRICT OF NEVADA**

In Re:

MELANI SCHULTE and  
WILLIAM R. SCHULTE,

2704 SATTLEY LLC,  
HOT ENDEAVOR LLC,  
1341 MINUET LLC  
1708 PLATO PICO LLC,  
2228 WARM WALNUT LLC,  
9425 VALLEY HILLS LLC,  
9500 ASPEN GLOW LLC,  
5218 MISTY MORNING LLC,  
CHERISH LLC,  
SABRECO INC.,  
KEEP SAFE LLC,

Debtors.

Case No. 09-29123-MKN

Chapter 11

Jointly Administered with:

09-31585-MKN  
09-27238-MKN  
09-27909-MKN  
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09-27911-MKN  
09-27912-MKN  
09-27913-MKN  
09-27914-MKN  
09-27916-MKN  
09-28513-MKN  
09-31584-MKN

**NOTICE OF APPEARANCE AND  
REQUEST FOR CONTINUANCE OF PHH  
MORTGAGE CORPORATION, successor  
to OCWEN LOAN SERVICING, LLC  
REGARDING DEBTORS' MOTION FOR  
CONTEMPT [DOC 1334]**

Date: May 26, 2021

Time: 9:30 a.m.

Judge: HON MIKE K. NAKAGAWA

1 **TO THE CLERK OF THE COURT AND DEBTORS' COUNSEL:**

2 **PLEASE TAKE NOTICE** that PHH MORTGAGE CORPORATION, successor to  
3 OCWEN LOAN SERVICING, LLC ("PHH") hereby enters its appearance by and through its  
4 undersigned counsel retained on May 24, 2021 regarding Debtors' Motion for Contempt for  
5 Violation of the Automatic Stay and Discharge Injunction, Failing to Comply with Court Order and  
6 the Confirmed Plan and for Damages including Attorneys' Fees Against Creditors ("Motion").

7 Upon receipt and retention by PHH, the undersigned counsel on the same day sent an e-mail  
8 to and placed a telephone call with counsel for Debtors regarding the Motion dates. Accordingly,  
9 PHH respectfully requests the initial hearing presently scheduled for May 26, 2021 be continued to  
10 afford PHH sufficient time to review the 114 page Motion and prepare a response.

11  
12 DATED: May 24, 2021

**HOUSER LLP**

13  
14 /s/ Jeffrey S. Allison  
JEFFREY S. ALLISON, ESQ.  
15 Nevada Bar No. 8949  
9970 Research Drive  
16 Irvine, CA 92618  
Attorneys for PHH MORTGAGE  
17 CORPORATION, successor to OCWEN LOAN  
SERVICING, LLC  
18  
19  
20  
21  
22  
23  
24



**CERTIFICATE OF SERVICE**

I hereby certify that I am over the age of eighteen (18), I am not a party to this action, and that on this date I caused to be served a true and correct copy of this **NOTICE OF APPEARANCE AND REQUEST FOR CONTINUANCE OF PHH MORTGAGE CORPORATION, successor to OCWEN LOAN SERVICING, LLC REGARDING DEBTORS' MOTION FOR CONTEMPT [DOC 1334]** by:

☒ ECF  
☒ U.S. Mail  
☐ Facsimile transmission  
☐ Overnight Mail  
☐ Hand and/or Personal Delivery

and addressed to the following:

**CHRISTOPHER P. BURKE, ESQ**  
218 S. MARYLAND PKWY.  
LAS VEGAS, NEVADA 89101  
TEL: (702) 385-7987  
[atty@cburke.lvcoxmail.com](mailto:atty@cburke.lvcoxmail.com)

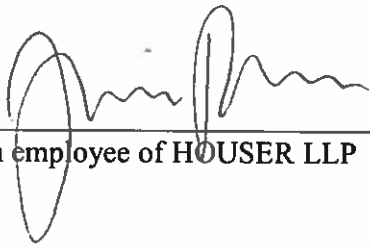
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[USTPRegion17.lv.ccf@usdoj.gov](mailto:USTPRegion17.lv.ccf@usdoj.gov)

*Attorney for Debtors*

**EDDIE JIMENEZ, ESQ.**  
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4375 Jutland Dr., Ste 200  
P.O. Box 17933  
San Diego, California 92177-0933

*Attorneys for SHELLPOINT MORTGAGE  
SERVICING*

Dated: May 24, 2021

  
An employee of HOUSER LLP

**CERTIFICATE OF SERVICE**

I hereby certify that I am over the age of eighteen (18), I am not a party to this action, and that on this date I caused to be served a true and correct copy of this **AMENDED DECLARATION OF JEFFREY S. ALLISON IN SUPPORT OF OPPOSITION OF PHH TO DEBTORS' MOTION FOR CONTEMPT FOR VIOLATION OF THE AUTOMATIC STAY AND DISCHARGE INJUNCTION, FAILING TO COMPLY WITH A COURT ORDER AND THE CONFIRMED PLAN AND FOR DAMAGES AGAINST CREDITORS [DOC 1334]** by:

☒ ECF  
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☐ Facsimile transmission  
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and addressed to the following:

**CHRISTOPHER P. BURKE, ESQ**

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LAS VEGAS, NEVADA 89101  
Tel: (702) 385-7987  
[atty@cburke.lvcoxmail.com](mailto:atty@cburke.lvcoxmail.com)

Attorney for Debtors

**EDDIE JIMENEZ, ESQ.**

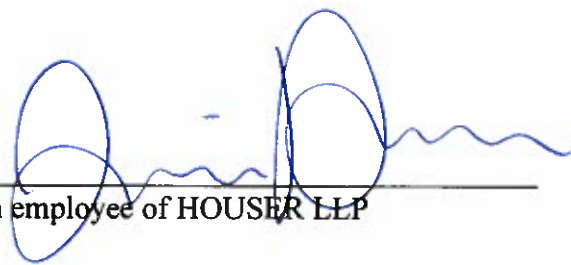
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*Attorneys for* SHELLPOINT MORTGAGE  
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Dated: May 27, 2021

  
An employee of HOUSER LLP